

**SPEC**

Systems &amp; Processes Engineering Corporation

APR 21 2004

## Fax Transmittal Cover Sheet

**OFFICIAL**

Date: April 19, 2004

To: Commissioner for Patents

Company: U.S. Patent &amp; Trademark Office

Fax Number: (703) 872-9306

From: Dean J. Fisher

Phone: (512) 479-7732 ext. 2180

Total pages including cover: 29

**Message**

Attached hereto in response to the PTO's office action dates 3/23/2004 with respect to Application No. 10/035,461 are:

- (1) Cover Letter;
- (2) Restated Preliminary Amendment Under 37 CFR 1.173(b);
- (3) Reissue Application Declaration by the Assignee; and
- (4) Reissue Application Declaration by the Inventor.

If you have any questions or comments regarding this matter, please do not hesitate to contact me.

Very truly yours,

Dean J. Fisher,  
Corporate Counsel

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

April 19, 2004

**By U.S. Mail & Telefacsimile**  
(703) 872-9306

COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Re: Response to Office Action dated 03/23/2004  
Application No.: 10/035,461  
Filing Date: 11/09/2001  
First Named Inventor: Tommy Clay Cruce  
Examiner: Richard E. Hanig  
Art Unit: 2873

Dear Sir:

In response to the PTO's office action dated 3/23/2004 (the "Office Action"), I have enclosed the following documents that specifically address the issues raised by the Office Action and correct the deficiencies noted therein:

- (1) Restated Preliminary Amendment Under 37 CFR 1.173(b) – this Restated Preliminary Amended is provided as a full replacement to the previous Preliminary Amended filed with the PTO on 11/09/2001;
- (2) Reissue Application Declaration by the Assignee – this Reissue Application Declaration is provided as a full replacement to the previous Reissue Application Declaration by the Assignee filed on 11/09/2001; and
- (3) Reissue Application Declaration by the Inventor – this Reissue Application Declaration is provided as a full replacement to the previous Reissue Application Declaration by the Inventor filed on 11/09/2001.

In the Restated Preliminary Amendment Under 37 CFR 1.173(b), the text of the claims (as provided on pages 13-19 of the Restated Preliminary Amendment) have been copied correctly from the underlying issued patent (*i.e.*, U.S. Patent No. 5,981,957). In particular, the Restated Preliminary Amendment corrects claims 1 and 16, which were improperly copied in the Preliminary Amendment from U.S. Patent No. 5,981,957. In addition, all the markings for the deleted matter and the added matter in the Specification and in the Claims of the Restated Preliminary Amendment have been revised to comply with revised 37 CFR 1.121. In this regard, compliance basically consisted of changing the "bracketed" markings for deleted matter to "strikethrough" markings. Finally, Figure 8 of the Drawings was marked "Currently Amended" as requested in the Office Action.

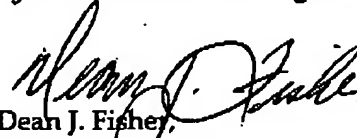
COMMISSIONER FOR PATENTS  
APRIL 19, 2004  
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With respect to enclosed declarations, the Office Action noted that "the statement of error that the applicant has made is not complete; there needs to be more specific details identifying the incorrect element and what the mistake is with respect to the specification." In response, the applicant submits the enclosed declarations (one with respect to the assignee and the other with respect to the inventors) to replace the previously filed declarations. The enclosed declarations have been revised from the previously filed declarations to specifically identify the incorrect element as well as to describe other errors upon which the reissue application is based.

In closing, applicant has made the requested changes to its reissue application in conformity with the Office Action. Consequently, with the implementation of the above-described corrections, applicant believes that the reissue application is in proper form and is now in a condition for allowance, which action applicant respectfully solicits. However, if, for any reason this reissue application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner in order that the applicant can place this reissue application in allowable condition as soon as possible.

Very truly yours,

*Systems & Processes Engineering Corporation*

  
Dean J. Fisher  
Corporate Counsel

**Certificate of Mailing:** I certify that, on the date identified below, this letter and the referenced enclosures will be faxed to the United States Patent and Trademark Office at the telefacsimile number "(703) 872-9306", and will be deposited with the United States Postal Service as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450."

Signed: 

Date: 4/19/04

Enclosures: *Restated Preliminary Amendment Under 37 CFR 1.173(b)*  
*Reissue Application Declaration by the Assignee*  
*Reissue Application Declaration by the Inventor*